

*Special Committee on Judicial Election Campaign Intervention  
2018 Judicial Elections*

**2018-15 Opinion**

The Special Committee on Judicial Election Campaign Intervention received a complaint filed by Candidate F against Candidate G.

Initially, Candidate F complained that Candidate G used a “comparison chart” that contained information about her experience that was factually incorrect. She claimed that this was a violation of Canon 3A(d)(iii), which provides that a candidate “shall not knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.”

Candidate F provided an affidavit and argued that the comparison misrepresented her qualifications. Specifically, she claimed that the incorrect facts are as to her experience. Candidate F also complained that the website failed to include the information required under Miss. Code Ann. §23-15-1025 as to who paid for the website and whether it was approved by the candidate.

Candidate G was given notice of the complaint and was allowed to respond. Candidate G stated that his Committee inadvertently failed to place the “paid for” language on the website in question. He also indicated that this was immediately corrected. Candidate G also indicated that he had revised the comparison chart consistent with the information provided. In addition, the comparison chart was also changed to include the statement “THE FACTS AS CONFIRMED BY BOTH CANDIDATES ON 8/30/18.”

Thereafter, Candidate F complained that this was incorrect and a misrepresentation because she did not confirm any of Candidate G’s information on the comparison chart.

The Special Committee has determined that Candidate G’s Committee has updated the website to include the required statutory language under Miss. Code Ann. §23-15-1025. Accordingly, the Special Committee is satisfied that Candidate G is not in violation of this requirement.

As to the comparison chart, Candidate F provided information to the Special Committee and Candidate G that shows her correct information. The Special Committee agrees that Candidate G should include the updated and correct information as provided by Candidate F and that Candidate G should not use the prior comparison chart and shall cease and desist from distributing information that is incorrect.

However, in the review of the information provided, the Special Committee finds that the use of the term “Years Practicing Law” should include year(s) Candidate F practiced law privately or in government service. Also, under “Courtroom Experience, the information should include Candidate F’s years of service as a \_\_\_\_\_ court judge. As to the remainder of the comparison chart, the Special Committee has no information to suggest such information is not true and correct.

Further, the Special Committee is of the opinion that it is a misrepresentation for Candidate G to use the statement ““THE FACTS AS CONFIRMED BY BOTH CANDIDATES ON 8/30/18.” Candidate F has not confirmed the “facts” in the comparison chart as they pertain to Candidate G. As a result, the Special Committee instructs Candidate G to cease and desist the use of the phrase “THE FACTS AS CONFIRMED BY BOTH CANDIDATES ON 8/30/18” on campaign literature.

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This opinion is limited to the scope and authority of the Special Committee under the Mississippi Code of Judicial Conduct.

Any questions should be in writing and directed to:

***Special Committee on Judicial Election Campaign Intervention***

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